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6 Attorneys for Defendants  
24 HOUR FITNESS USA, INC. AND SPORT AND  
7 FITNESS CLUBS OF AMERICA

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 GABE BEAUPERTHUY, et al.,

11 Plaintiffs,

12 v.

13 24 HOUR FITNESS USA, INC. a  
14 California corporation dba 24 HOUR  
FITNESS; SPORT AND FITNESS  
15 CLUBS OF AMERICA, INC., a California  
corporation dba 24 HOUR FITNESS,

16 Defendants.  
17

Case No. C 06 0715 SC

**STIPULATION AND PROPOSED ORDER  
EXTENDING DISCOVERY DEADLINE AND  
INCREASING THE NUMBER OF  
DEPOSITIONS**

COMPLAINT FILED: February 1, 2006  
TRIAL DATE: No date set.

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19 **RECITALS**

20 A. Plaintiffs and Defendants have met and conferred regarding the current discovery  
21 deadlines and the discovery which has yet to be completed;

22 B. After numerous telephone conferences and written correspondence, counsel have  
23 worked toward and agreed upon a schedule that will accommodate the parties' further discovery  
24 requests;

25 C. The schedule contemplates an exchange of further information and at least dozens, if  
26 not scores, of depositions to be scheduled in numerous states during February, March and, if  
27 necessary, April, 2010;  
28

1 D. The parties agree the schedule will require an extension of the current discovery cut-  
2 off and the limit of numbers of depositions permitted.

3 E. Therefore, in order to allow the parties to implement their agreed upon schedule, the  
4 parties seek an Order from this Court extending the discovery cut-off and pretrial deadlines by  
5 approximately 45 days and also seek to increase the number of depositions that may be taken to 50  
6 per side.

7 **STIPULATION**

8 1. The parties hereby stipulate that the discovery cut-off deadline and pretrial dates be  
9 modified as follows:

10

11 DEADLINE	OLD DATE	NEW DATE
12 Non-Expert Discovery Cutoff	3/2/10	4/23/10
13 Expert Designations	04/02/10	5/24/10
14 Expert Discovery Cutoff	06/15/10	8/6/10
15 Last Day to File Dispositive Motions	07/01/10	8/23/10

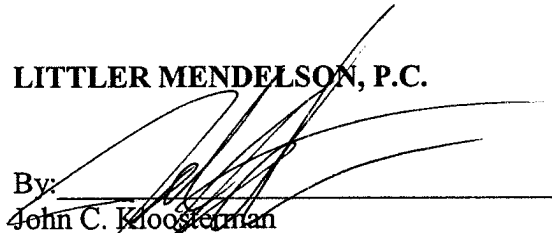
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1           2.       In addition, the parties stipulate that the number of non-expert depositions available  
2 to each side shall be increased to 50, without prejudice to the parties stipulating to further increase  
3 the number or allowing either side to move the Court to further increase the number.

4           **SO STIPULATED:**

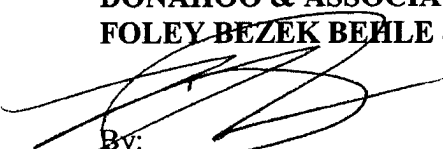
5       Dated: January 20, 2010

**LITTLER MENDELSON, P.C.**

6  
7       By:   
8       John C. Kloosterman  
9       Littler Mendelson, P.C., Attorneys for  
      Defendant

10       Dated: January 20, 2010

**DONAHOO & ASSOCIATES**  
**FOLEY BEZEK BEHLE & CURTIS, LLP**

11  
12       By:   
13       Richard E. Donahoo  
14       Thomas G. Foley, Jr.  
15       Justin P. Karczag  
16       Attorneys for Plaintiffs

1 ~~[PROPOSED]~~ ORDER

2 Upon reading the forgoing Stipulation, and good cause appearing, therefore,

3 IT IS ORDERED THAT,

4 1. The current pretrial dates and discovery cutoff deadline be vacated and reset on the  
5 new dates, as set forth below:

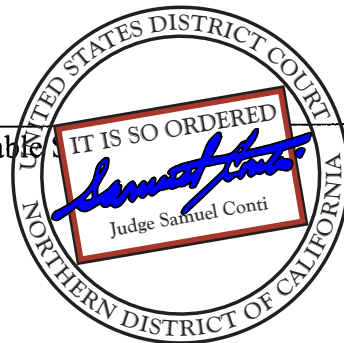
6 DEADLINE	OLD DATE	NEW DATE
7 Non-Expert Discovery Cutoff	3/2/10	4/23/10
8 Expert Designations	04/02/10	5/24/10
9 Expert Discovery Cutoff	06/15/10	8/6/10
10 Last Day to File Dispositive Motions	07/01/10	8/22/10

11  
12 2. The deposition limit is increased to 50 depositions per side without prejudice to a  
13 joint request by both parties or a motion by one of the parties for a further increase.

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15 IT IS SO ORDERED.

16  
17 Dated: January 22, 2010

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19  
20 Honorable



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28 Firmwide:93662177.1 034670.1216